



General Assembly

January Session, 2005

Raised Bill No. 6587

LCO No. 2913

02913_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING WHISTLEBLOWER PROTECTION FOR
HEALTH CARE EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-498a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) As used in this section: (1) "Discriminate" and "discriminatory
4 treatment" with regard to an employee of a health care facility includes
5 discharge, demotion, suspension, or any other detrimental changes in
6 terms or conditions of employment, or the threat of any such actions;
7 and (2) "health care facility" has the same meaning as in section 19a-
8 630.

9 (b) (1) No health care facility shall discriminate or retaliate in any
10 manner against an employee of such facility because the employee
11 submitted a complaint or initiated or cooperated in an investigation
12 [by] or proceeding [before a governmental entity] relating to the care
13 or services by, or the conditions in, such facility.

14 (2) There shall be a rebuttable presumption of discriminatory

15 treatment, in violation of subdivision (1) of this subsection, if an
 16 employee of a health care facility is discharged, demoted, suspended
 17 or experiences any other detrimental change in terms or conditions of
 18 employment or is threatened with any such actions within the one-
 19 hundred-twenty-day calendar period following (1) submission of a
 20 complaint against the facility by the employee or a person acting on
 21 behalf of the employee to a governmental entity or to the administrator
 22 of the facility, or (2) the date on which the facility becomes aware that
 23 the employee or a person acting on behalf of the employee initiated,
 24 participated in or cooperated in an investigation or proceeding relating
 25 to the care or services by, or the conditions in, such facility.

26 (c) A health care facility that violates subsection (b) of this section
 27 shall reinstate the employee and reimburse the employee for lost
 28 wages, lost work benefits, and any reasonable legal costs incurred by
 29 the employee in pursuing the employee's rights under this section.

30 (d) The provisions and remedies under this section are not exclusive
 31 and are in addition to any other provisions and remedies in any
 32 section of the general statutes or which are available under common
 33 law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	19a-498a

Statement of Purpose:

To create a rebuttable presumption of discriminatory treatment for employees of health care facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]